IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 16904 of 2007(K)

PETITIONER:

P.K.JOSHY, S/O KOSHY, AGED 62 YEARS,
RESIDING AT NAMAKKAD HOUSE, KANDANADU KARA,
MANAKUNNAM VILLAGE, KANAYANOOR TALUK,
ERNAKULAM DIST.

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
VANITHA CELL, ERNAKULAM.

2. AMMINI, D/O P.K.RAMAN, AGED 43 YEARS,
CHEMMZATH HOUSE, UDAYAMPEROOR,
MANAKUNNAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM.

R1 BY GOVERNMENT PLEADER SRI.P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.16904 of 2007

Dated this the 11th day of June, 2007.

JUDGMENT

Raman, J.

The allegation made in the writ petition is that petitioner was asked to appear before the Circle Inspector of Police and, accordingly, the petitioner appeared before the Circle Inspector along with his counsel. According to petitioner, the first respondent , the C.I. Of Police, is insisting on to settle a civil dispute between the petitioner and the second respondent and, therefore, it is alleged, there is harassment.

2. Learned Government Pleader, on instructions, submits that a complaint was made by the 2nd respondent to the Commissioner of Police, Kochi and pursuant to that summons were issued to the parties to appear before the first respondent on 27.5.2007, but the petitioner accompanied by his counsel appeared before the said respondent only on 28.5.2007. There is no harassment, it is submitted. In these circumstances, we find that there is no harassment to the petitioner, as alleged by him. It is however, made clear that if there is a civil dispute between the parties, that is a matter

to be settled between the parties by resorting to civil remedies available to them. However, if the complaint prima facie shows any allegation involving any criminal offence, it is open to the police to investigate the same and, in case presence of the petitioner is required, a written notice shall be issued and the police shall proceed in accordance with law.

Writ Petition is closed.

P.R.RAMAN, JUDGE.

K. HEMA, JUDGE.

Krs.